IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

F.A.O. No.4027 of 2006
Date of decision: 01.09.2006

New India Insurance Company Limited.

..... Appellant

Versus

Smt.Kanta Devi and others.

..... Respondents

CORAM : Hon'ble Mr.Justice Uma Nath Singh
Hon'ble Mr.Justice Mahesh Grover

....

Present: Shri Ashwani Talwar, Advocate for the appellant.,

....

This F.A.O. has been filed by New India Insurance Company Limited assailing award dated 31.5.2006 passed by the Presiding Officer, Motor Accident Claims Tribunal, Panchkula in M.A.C.T. Case No.196 of 2005.

Learned counsel for the appellant submitted that at the time of the judgment of Hon'ble the Apex Court in United India Insurance Co.Ltd., Shimla Versus Tilak Raj and others, 2006(4) S.C.C. 404, a pillion rider was not covered under the insurance policy, but now, the policies cover the pillion riders as well. Learned counsel further submitted that in an injury case, on an application under Section 163-A of the Motor Vehicles Act,1988 (for short, `the Act'), only a limited amount of Rs.15000/- is to be paid, but the fact remains that in the instant case, the injured died later on.

Looking at the fact that the Act is a beneficial piece of legislation and in a death case, only an amount of Rs.1,16,500/- has been awarded as compensation, although there are five daughters apart from the widow and two sons, we are not inclined to accept such technical submissions.

Accordingly, the F.A.O. is dismissed at the threshold.

(Uma Nath Singh)
Judge

September 01,2006
"SCM"

(Mahesh Grover)
Judge